

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL ROGERS

V.

POLICE OFFICER JAMAAL MILLER;
ANDREW HO; 79TH PRECINCT;
THE NEW YORK POLICE DEPARTMENT;
THE CITY OF NEW YORK

CV 16

3610

COMPLAINT
under the
Civil Rights Act, U.S.C § 1983

Jury Trial: Yes

I. Parties in this complaint:

Plaintif: Michael C. Rogers
ID # 15A3486

Current institution: Downstate Correctional Facility
Box F RedSchoolHouse Road
Fishkill, New York 12524

Defendant No. 1: Jamaal Miller Shield # 18339
Police Officer, 79th Precinct, NYPD
Brooklyn, New York 11216

Defendant No. 2: Andrew Ho Shield # NA
Police Officer, 79th Precinct, NYPD
Brooklyn, New York 11216

DONNELLY, J.

Defendant No. 3: The 79th Precinct Command (NYPD)
Brooklyn, New York 11216

SCANLON, M.J.

Defendant No. 4: New York Police Department
1 Police Plaza
New York, New York 10038

Defendant No. 4: The City of New York
City Hall, New York City 10007

II. Statement of claim:

Office Miller of the 79th Precinct acting in his official capacity as a police officer of the NYPD, used his position to fulfil his personal vendetta against the complainant by knowingly, willingly and intentionally arresting the complainant in the presence of gang members that were at the time, was known to have been under investigation by Officer Miller, The 79th Precinct, The New York Police Department and the District Attorney as well.

Officer Miller and his partner used derogatory and defamatory statements audibly while the complainant was placed under arrest, statements of such nature as to place the life, safety, repose and quiet enjoyment of the complainant at grave risk and danger.

The 79th Precinct as a command and the New York Police Department within its capacity, failed to properly address and correct the behavior of police officer Jamaal Miller although several complaints regarding his behavior was made by the complainant to the Internal Affairs Bureau division of the New York Police Department

The New York Police Department failed to properly address and correct the behavior of Police Officer Miller upon complaints made to the Internal Affairs Bureau Division Of the New York Police Department and the Civilian Complaint Review Board (CCRB) after the complainant was arrested by Police Officer Jamaal Miller and His partner on August 16, 2013.

The Failure of the New York Police Department within its capacity and the 79th Precinct as a command, to admonish and or discipline Police Officer Jamaal Miller allowed him uninhibitally to harass, Intimidate, arrest and disrupt the complainants repose and quiet enjoyment without consequence or the fear thereof.

Facts: August 2, 2013 Police Officer Jamaal Miller made derogatory statements to the complainant while the complainant was kissing his girlfriend, while standing on the corner of Gates Ave and Throop Ave. Police Office Stated to the Complainants girlfriend "you can do better ma'am". Police Officer Jamaal Miller also shined a spotlight into the complainants face while delivering a tirade of obscenities before he drove away. The Complainant Immediately filed a complaint with the Internal Affairs Bureau Division of the New York Police Department.

August 5, 2013 Police Officer Miller and his partner stopped and frisked the complainant without provocation, expressing distaste in regards to the complaint that was filed by the complainant. The complainant proceeded to the 79th Precinct whereupon the complainant requested to speak to a Supervisor. The Seargent at the desk was Summoned and the complainant explained to the Seargent that Police Officer Miller was Harrassing him and that a complaint was filed with the IAB. The Seargent reassured the complainant that the Police Officer would be addressed regarding this issue.

August 16, 2013 Police Officer Jamaal Miller and His partner did falsely arrest the complainant in front of his residence of 349 Monroe St. Brooklyn, New York. Without Warrant, Suspicion, or Provocation Police Officer Jamaal Miller and His Partner Kicked the driver side door of the Complainants Girl friend Katherine Pfhols Toyota Prius, while pointing his service weapon directly at the complainant. Police officer Jamaal Miller rear cuffed the complainant and began to parade the complainant back and forth before the onlooking pedestrians, neighbors and bekown to officer Miller at the time gang members, while shouting obscenities and and making statements to the onlookers that the complainant was "Drug dealing scum", and "a Drug Dealing Piece of Explicit" and other statements to that effect.

The Complainant was taken to the 79th Precinct, at which time the complainant was stripped searched and finger printed. The complainant was then processed and transported to 120 Schemerhorn upon which time arraigned on the single count of an open container.

August 17, 2013, the complainant was released from custody following arraignment. The Charge of "Open Container" was Dismissed. Upon the complainants arrival to his residence of 349 Monroe St. the complainant was confronted by members of a local street Gang regarding drugs and territory.

August 17, 2013 the complainant contacted the IAB and the Civilian complaint review Board and filed a complaint.

August 25, 2013, Police Office Jamaal Miller and his Partner encounterd the complainant once again within the vicinity of Lexington ave and Throop Ave. Police Officer Jamaal Miller and His partner began to Frisk and search the complainant while using obcenities and expressing their distaste towards the complainant for filing a complaint.

September 12, 2013, The complainant gave a sworn deposition to the CCRB and the following day the complainant was robbed at gun point in his home, by members of the local street gang known to Police Office Jamaal Miller, the 79th Precinct as a command and the NYPD as well.

III. Injuries:

The Conduct and actions of Police Officer Jamaal Miller deprived the complainant of Liberty, repose and quiet enjoyment. The Conduct, Actions and Language towards the complainant was slanderous in nature to the degree that it Defamed the character of the complainant to a magnitude, that it irreversibly damaged the reputation of the complainant and placed the safety of the complainant, His family and home at grave risk and danger. The Livelihood of the complainant was also disrupted, whereas the complainant worked from home via internet as a Computer Technician for the website WWW.ROTTECUSA.COM, which was owned and operated by the complainant.

IV. Exhaustion of Administative Remedies:

The Complainant Filed complaints with the Internal Affairs Bureau Division of the New York Police Department regarding the behavior and conduct of Police Officer Jamaal Miller and his partner during an encounter that occured August 2, 2013.

The Complainanant filed a complaint with the Internal Affairs Bureau Division of the New york Police Department regarding the behavior language and conduct of Police officer Jamaal Miller and his Partner during an arrest of the complainant that occured August 16, 2013.

The Complainant filed a complaint with the Civilian Complaint Review Board (CCRB) regarding the events which occured during the arrest of the complainant and the conduct, behavior and language of Police Officer Jamaal Miller and his partner, on the evening of August 16, 2013.

The Complainant Gave a Sworn Deposition regarding the conduct and behavior of Police Officer Jamaal Miller and his partner, to Investigator Velazquez of the Civilian Complaint Review Board on September 12, 2016.

V. Relief:

The claimant seeks compensatory relief in the amount of \$100,000,000 USD, For irreversible damage incurred as a result of the misconduct of police officer Jamaal Miller, His partner and deriliction of duty and athourity in regards to the laxidasical supervision by part of the 79th Precinct as a command and the New York Police Department within its capacity

VI. Previous Lawsuits:

No other Lawsuits have been filed in state or federal court dealing with facts involved in this action.

Signed this 28 day of June, 2016. I declare under penalty of Perjury that the forgoing is true and correct.

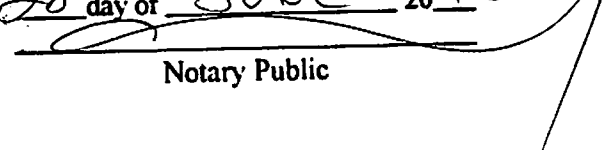


Michael Rogers 15A3486
Downstate Correctional Facility
Box F RedschoolHouse Road
Fishkill, New York 12524

I declare under penalty of perjury that on this 21 Day of June, 2016 I will deliver this complaint to prison authorities to be mailed to the Pro Se Office of The UNITED STATES DISTRICT COURT for the Eastern District of New York.

Signature Of Plaintiff:



28 Sworn to before me this
day of June 20 16

Notary Public

Carmile Pringle
Notary Public, State of New York
No. 01PR6092127
Qualified in Dutchess County
Commission Expires 5/12/19